

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
:  
UNITED STATES OF AMERICA :  
:  
- v. - :  
:  
ALBERTO NIEVES, :  
:  
Defendant. :  
- - - - - X

INDICTMENT

22 Cr.

22 CRIM 002

COUNT ONE

**(Felon in Possession of a Firearm)**

The Grand Jury charges:

1. On or about October 17, 2021, in the Southern District of New York and elsewhere, ALBERTO NIEVES, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess a firearm, to wit, a 380 auto caliber semiautomatic Ruger LCP pistol, and the firearm was in and affecting commerce.

(Title 18, United States Code, Sections 922(g)(1),  
924(a)(1) and 2.)

FORFEITURE ALLEGATION

2. As a result of committing the offense alleged in Count One of this Indictment, ALBERTO NIEVES, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code,

Section 2461(c), any and all firearms and ammunition involved in or used in or intended to be used in said offense, including but not limited to:

a. A 380 auto caliber semiautomatic Ruger LCP pistol; and

b. 380 auto caliber Winchester silvertip hollow point case cartridges.

**Substitute Assets Provision**

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 924;  
Title 21, United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)

  
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FOREPERSON  
\_\_\_\_\_  
DAMIAN WILLIAMS

United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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v.

ALBERTO NIEVES,

Defendant.

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INDICTMENT

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(18 U.S.C. § 922(g)(1),  
924(a)(1), and 2.)

DAMIAN WILLIAMS  
United States Attorney

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Foreperson

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1/3/22  
Filed Indictment  
Case assigned to Judge Cote  
Arrest warrant issued

USAT Lehigh, NJ

MC